

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DON DURANT, JR.,)	
)	
Plaintiff,)	Civil Action No. 06-39
)	
v.)	Judge McVerry
)	Magistrate Judge Caiazza
JO ANNE B. BARNHART,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM ORDER

On January 23, 0006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b) (1) (A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On September 1, 2006, the magistrate judge issued a Report (Doc. 12) recommending that the District Court grant the Plaintiff's Motion for Summary Judgment (Doc. 8), deny the Defendant's Motion for Summary Judgment (Doc. 10), and remand this case for further administrative proceedings.

Service of the Report and Recommendation was made on the parties, and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, on this 21st day of September, 2006, IT IS ORDERED that the Plaintiff's Motion for Summary Judgment (**Doc. 8**) is **GRANTED**, the Defendant's Motion for Summary Judgment (**Doc. 10**) is **DENIED**, and this case is **REMANDED FORTHWITH** to the Commissioner of Social Security for further administrative proceedings as consistent with the magistrate judge's Report and Recommendation.

The Report and Recommendation of Magistrate Judge Caiazza dated September 1, 2006 is hereby adopted as the opinion of the District Court.

s/ Terrence F. McVerry
United States District Judge

cc (via email):

Robert W. Gillikin, II, Esq.
Jessica Smolar, Esq.